

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

July 12, 2005

HAND DELIVER

Honorable Tom Hall, Clerk
Florida Supreme Court
500 S. Duval Street
Tallahassee, FL 32399

Re: JQC v. Judge John Holder
Case No.: SC03-1171

Dear Mr. Hall:

As I know you are aware, the Hearing Panel of the Judicial Qualifications Commission filed its Order of Dismissal with the Court on June 23, 2005. This order holds that after hearing evidence for over a week, the Hearing Panel concluded that the evidence simply did not prove guilt by clear and convincing evidence. The Panel therefore dismissed the charges and so stated in its order. The Panel did not file a transcript of the testimony nor did the Panel file copies of the voluminous documentary evidence.

You and I recently had a conversation concerning the absence of the transcript. The Hearing Panel will, of course, supply the Court with the transcript and documentary evidence if it is deemed necessary. Neither counsel for the Investigative Panel nor counsel for Judge Holder has requested a transcript as of this date. The Hearing Panel did not believe the evidence or a transcript was necessary under the first sentence of Rule 20 of the JQC Rules which deals with a dismissal order. The second

July 12, 2005
Page 2

sentence of Rule 20 applies when the judge is found guilty and discipline is recommended. Also see In re: Dekle, 308 So. 2d 4 (Fla. 1975).

Sincerely,


John Beranek

JB/cds

cc: David Weinstein
Charles Pillans
Honorable John P. Kuder, Chair

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